

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BRADLEY ALVERSON,
INDIVIDUALLY AND ON BEHALF OF
OTHERS SIMILARLY SITUATED *ET
AL.*,

5-16-CV-00849-OLG-RBF

Plaintiffs,

VS.

BL RESTAURANT OPERATIONS LLC,

Defendant.

AMENDED SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the following Amended Scheduling Order is issued to control the course of this case:

1. Defendant shall provide counsel for Plaintiffs a list of putative plaintiffs by April 16, 2018. This list shall include the name, address, telephone number, dates of employment, locations worked, and the last 4 digits of the prospective collective members' social security numbers as agreed to by the parties. *See* Dkt. No. 54.
2. Notice to potential FLSA collective action members as set forth in the Court's Order Granting Conditional Certification of Collective Action under 29 U.S.C. § 216(b), Dkt. 58, and the Order Approving Notice/Consent Forms shall be mailed by April 26, 2018.
3. Consent by any class member to opt-in to conditional collective action pursuant to 29 U.S.C. § 216(b) must be filed by June 25, 2018.
4. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by September 18, 2018.

5. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by October 18, 2018, and each opposing party shall respond, in writing, by November 1, 2018.

6. The parties shall file all motions to amend or supplement pleadings or to join additional parties by October 2, 2018.

7. All parties asserting claims for relief shall file their designation of testifying experts, and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by October 18, 2018. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by November 19, 2018. All designations of rebuttal experts shall be designated within 15 days of receipt of the report of the opposing expert.

8. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 11 days of receipt of the written report of the expert's proposed testimony, or within 11 days of the expert's deposition, if a deposition is taken, whichever is later.

9. *Because this case has been conditionally certified as a collective action under the FLSA, the parties shall meaningfully confer and attempt to reach agreement on the proper scope of representative discovery in this action. If the parties are unable to reach agreement on the scope of representative discovery, they must present the matter to the Court by written motion no later than July 25, 2018. The parties shall complete all discovery on or before February 22, 2019. Counsel may by agreement continue discovery beyond the deadline, but there will be no*

intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. The parties shall mediate this case on or before March 25, 2019 unless the parties seek an order from the Court excusing them from mediation.

11. Any motion for decertification must be filed no later than February 22, 2019.

12. All dispositive motions shall be filed no later than March 25, 2019. Dispositive motions, as defined in Local Rule CV-7(c), and responses to dispositive motions shall be limited to 20 pages in length. Replies, if any, shall be limited to 10 pages in length in accordance with Local Rule CV-7(f).

13. This case is set for jury selection and trial on October 28, 2019 at **9:30 a.m.** The final pretrial conference is set for October 23, 2019 at **9:30 a.m.** The parties should consult Local Rule CV-16(e)-(g) regarding matters to be filed in advance of trial.

14. If at any time during the pendency of this lawsuit, you would like to consent to the trial of your case by a United States Magistrate Judge, please indicate your consent on the attached form or request a form through the Clerk's Office. If all parties consent to trial of this case by a United States Magistrate Judge, the District Court will enter an order referring the case to a United States Magistrate Judge for trial and entry of judgment.

IT IS SO ORDERED.

SIGNED this 9th day of April, 2018.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BRADLEY ALVERSON,
INDIVIDUALLY AND ON BEHALF OF
OTHERS SIMILARLY SITUATED;
MELODY BRUSH, RYAN CARVER,
ALISSA TAPIA, ASEONNIA JOHNSON,
DEVAN CHONTOS, STEPHEN OLLER,
JOSELINE RIVERA, KIMBERLY SOSA,
JOANNE PICCARILLO,

5-16-CV-00849-OLG-RBF

Plaintiffs,

VS.

BL RESTAURANT OPERATIONS LLC,

Defendant.

**CONSENT TO PROCEED TO TRIAL BEFORE
A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above-captioned civil matter hereby waive their rights to proceed before a judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Party By: _____

Attorney

By:

Party Attorney

APPROVED this the _____ day of _____, 2018.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE